

**REMARKS**

Initially, to clarify the record, Applicants submit that the Examiner has incorrectly identified the status of the claims. In the final Office Action, the Examiner identified claims 23-53 as canceled (final Office Action, paragraph 2). These claims were not canceled in the last Amendment. Instead, the claims were simply withdrawn from consideration by the Examiner and marked as such by Applicants.

In the final Office Action, the Examiner rejected claims 1-8, 10-13, 15-22, and 54-59 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. (U.S. Patent Application Publication No. 2005/0027699) in view of Microsoft Corporation ("Find and Return to Web Pages You've Recently Visited," dated March 26, 2003) (hereinafter "Microsoft"); and rejected claims 9 and 14 under 35 U.S.C. § 103(a) as unpatentable over Awadallah et al. in view of Microsoft and Milic-Frayling et al. (U.S. Patent No. 6,968,332) (hereinafter "Milic").

By this Amendment, Applicants propose canceling claims 7, 10, 15, 16, and 23-59 without prejudice or disclaimer, amending claims 1, 2, 5, 6, 8, 9, 11, 12, 14, 17, and 19-22 to improve form, and adding new claims 60-63. Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. § 103.

**REJECTION UNDER 35 U.S.C. § 103 BASED ON AWADALLAH ET AL. AND MICROSOFT**

In paragraph 8 of the final Office Action, the Examiner rejected pending claims 1-6, 8, 11-13, and 17-22 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Microsoft. Applicants respectfully traverse the rejection.

Amended independent claim 1, for example, is directed to a method comprising receiving a search query from a user; receiving first-search results based at least in part on a search

performed using the search query; performing a search of a history database using the search query to obtain second-search results, the history database storing information regarding documents previously accessed by the user; comparing the second-search results to the first-search results to determine whether one of the second-search results is present in the first-search results; adding the one of the second-search results to the first-search results when the one of the second-search results is not present in the first-search results; modifying the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results; and outputting the first-search results with the added second-search result or the modified second-search result.

Neither Awadallah et al., nor Microsoft, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in amended claim 1. For example, Awadallah et al. and Microsoft do not disclose or suggest comparing second-search results, obtained from a search of a history database, to first-search results, received based on a search using a search query, to determine whether one of the second-search results is present in the first-search results.

When rejecting a similar feature in claim 10 (canceled herein), the Examiner alleged that Awadallah et al. discloses determining whether one or more of the second search results are included in the first search results and cited paragraph 0041 of Awadallah et al. for support (final Office Action, page 7). Without acquiescing in the Examiner's allegation, Applicants submit that Awadallah et al. does not disclose or suggest comparing second-search results, obtained from a search of a history database, to first-search results, received based on a search using a search

query, to determine whether one of the second-search results is present in the first-search results, as recited in claim 1.

At paragraph 0041, Awadallah et al. discloses:

Query 152 is the query sent from user 102 to primary search engine 106. Composite search results 154 are the search results returned by primary search engine 106 as an answer to query 152. Candidate search results 155, 156, 158, and 160 are search results provided by candidate sources including database of primary search engine 112, secondary search engine 108, other search engine 110, and other databases 118a-o, respectively. Any combination of candidate search results 155, 156, 158, and 160 may represent a multiplicity of search result candidates from a corresponding multiplicity of candidate sources. Primary search engine 106 determines an amount of search results from candidate search results 155, 156, 158, and 160 to provide to user 102, and returns a composite of different and/or equal amounts of candidate search results 155, 156, 158, and 160 as composite search results 154.

In this section, Awadallah et al. discloses that a primary search engine receives candidate search results from a number of candidate sources and provides a composite of candidate search results to the user. Nowhere in this section, or elsewhere, does Awadallah et al. disclose or suggest comparing search results, let alone comparing second-search results, obtained from a search of a history database, to first-search results, received based on a search using a search query, to determine whether one of the second-search results is present in the first-search results, as required by claim 1. Microsoft also does not disclose or suggest these features.

Awadallah et al. and Microsoft, whether taken alone or in any reasonable combination, also do not disclose or suggest adding the one of the second-search results to the first-search results when the one of the second-search results is not present in the first-search results, as further recited in claim 1.

When rejecting a similar feature in claim 7 (canceled herein), the Examiner alleged that Awadallah et al. discloses adding the top one or more of the second search results to the first search results when the top one or more of the second search results are not included in the first

search results and cited paragraph 0041 of Awadallah et al. for support (final Office Action, page 6). Without acquiescing in the Examiner's allegation, Applicants submit that Awadallah et al. does not disclose or suggest adding the one of the second-search results to the first-search results when the one of the second-search results is not present in the first-search results, as recited in claim 1.

Paragraph 0041 of Awadallah et al. is reproduced above. In this section, Awadallah et al. discloses that a primary search engine receives candidate search results from a number of candidate sources and provides a composite of candidate search results to the user. Nowhere in this section, or elsewhere, does Awadallah et al. disclose or suggest adding the one of the second-search results to the first-search results when the one of the second-search results is not present in the first-search results, as required by claim 1. Microsoft also does not disclose or suggest these features.

Awadallah et al. and Microsoft, whether taken alone or in any reasonable combination, also do not disclose or suggest modifying the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as further recited in claim 1.

The Examiner alleged that Awadallah et al. discloses modifying the first search results based at least in part on the second search results and cited paragraph 0065 of Awadallah et al. for support (final Office Action, page 4). Without acquiescing in the Examiner's allegation, Applicants submit that Awadallah et al. does not disclose or suggest modifying the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 1.

At paragraph 0065, Awadallah et al. discloses:

Another embodiment may involve calculating the C-level, Q-level, another level, commercial value and/or any other value of interest for all combinations of numbers of listings from different sources (or other allocation of other resources to usages by different sources) and comparing the results, especially if the number of different combinations of numbers of listings of interest are relatively few and/or the necessary calculations may be performed fast enough so that the user does not notice or does not get significantly annoyed. In an embodiment, a number of values of the function of interest may be calculated in order to bracket or approximately bracket the optimum value within a certain range of combinations of numbers of the different type of listings. Once the optimum combination has been bracketed, combinations within the range may be tried in order to further bracket the optimum combination of listings until an optimum combination is found. Alternatively, trial and error-like techniques or a myriad of other techniques may be used. The optimum value found of the C-level or any other level may be one of a range of values within a set tolerance. The optimum value found for the C-level or any other level may be one that is most optimal for a set possible composite search results being considered (e.g., combinations of listings or other resources or search results selected from search result candidates). The set of possible composite search results being considered may be a subset of possible composite search results for which a plurality of expected attributes were calculated. The subset may include those possible composite search results that satisfy certain conditions, such as an expected attribute value being below or being above a certain threshold.

In this section, Awadallah et al. discloses that a number of values of a function of interest may be calculated in order to bracket or approximately bracket the optimum value within a certain range of combinations of numbers of the different type of listings. Nowhere in this section, or elsewhere, does Awadallah et al. disclose or suggest modifying a search result, let alone modifying the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as required by claim 1. Microsoft also does not disclose or suggest these features.

For at least these reasons, Applicants submit that claim 1 is patentable over Awadallah et al. and Microsoft, whether taken alone or in any reasonable combination. Claims 2-6, 8, 11-13, and 17-19 depend from claim 1 and are, therefore, patentable over Awadallah et al. and

Microsoft for at least the reasons given with regard to claim 1. Claims 2-6, 8, 11-13, and 17-19 are also patentable over Awadallah et al. and Microsoft for reasons of their own.

For example, amended claim 11 recites moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results. Awadallah et al. and Microsoft do not disclose or suggest this feature.

The Examiner alleged that Awadallah et al. discloses moving positions of the one or more of the second search results within the first search results and cited paragraph 0045 of Awadallah et al. for support (final Office Action, page 7). Without acquiescing in the Examiner's allegation, Applicants submit that Awadallah et al. does not disclose moving a position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 11.

At paragraph 0045, Awadallah et al. discloses:

In an embodiment, each of results from source 1 (202), results from source 2 (204), and results from source 3 (206) are placed on a search results page in distinctly different regions so that it is visually clear that they are from different sources and/or are of different types of results. In an embodiment, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be in different regions that are not visually distinct, but that are nonetheless logically distinct. Alternatively, results from source 1 (202), results from source 2 (204), and results from source 3 (206) may be mixed together, but nonetheless labeled so that their sources, or the types of source from which they originate, are clear. Optionally, the mixture of results from different sources may be ordered according to a ranking that takes into account each listing's commercial value, quality value, relevance to the search, and/or other measures of the listing's relevance. In other embodiments, the type of source from which the results originate may not be identified or be identifiable.

In this section, Awadallah et al. discloses placing results from different sources in distinctly different regions on a search results page or mixing results from the different sources together. Nowhere in this section, or elsewhere, does Awadallah et al. disclose or suggest moving a

position of the one of the second-search results within the first-search results when the one of the second-search results is present in the first-search results, as recited in claim 11.

For at least these additional reasons, Applicants submit that claim 11 is patentable over Awadallah et al. and Microsoft. Claims 12 and 13 depend from claim 11 and are, therefore, patentable over Awadallah et al. and Microsoft for at least the reasons given with regard to claim 11.

Amended independent claims 20-22 recite features similar to, yet possibly different in scope from, features recited in claim 1. Claims 20-22 are, therefore, patentable over Awadallah et al. and Microsoft, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 1-6, 8, 11-13, and 17-22 under 35 U.S.C. § 103 based on Awadallah et al. and Microsoft.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON  
AWADALLAH ET AL., MICROSOFT AND MILIC*

In paragraph 9 of the final Office Action, the Examiner rejected claims 9 and 14 under 35 U.S.C. § 103(a) as allegedly unpatentable over Awadallah et al. in view of Microsoft and Milic. Applicants respectfully traverse the rejection.

Claims 9 and 14 depend from claim 1. Without acquiescing in the Examiner's rejection with regard to claims 9 and 14, Applicants submit that the disclosure of Milic does not cure the deficiencies in the disclosures of Awadallah et al. and Microsoft identified above with regard to claim 1. Claims 9 and 14 are, therefore, patentable over Awadallah et al., Microsoft, and Milic,

whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejection of claims 9 and 14 under 35 U.S.C. § 103 based on Awadallah et al., Microsoft, and Milic.

*NEW CLAIMS*

New claims 60-63 depend from claim 1. Claims 60-63 are, therefore, patentable over Awadallah et al., Microsoft, and Milic, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

*CONCLUSION*

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-6, 8, 9, 11-14, 17-22, and 60-63 in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment

should allow for immediate action by the Examiner. Further, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY SNYDER, LLP

/Paul A. Harrity/

Paul A. Harrity

Reg. No. 39,574

Date: March 5, 2007

11350 Random Hills Road

Suite 600

Fairfax, Virginia 22030

(571) 432-0800

CUSTOMER NUMBER: 44989